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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/942,317      | 08/29/2001  | Thuan Pham           | 8016-548            | 7738             |

7590 05/12/2004

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| EXAMINER |
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EL ARINI, ZEINAB

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1746

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                    |  |
|------------------------------|---------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/942,317  | <b>Applicant(s)</b><br>PHAM, THUAN |  |
|                              | <b>Examiner</b><br>Zeinab E. EL-Arini | <b>Art Unit</b><br>1746            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-17, 19, 20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-17, 19, 20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The amendment and remarks filed on 02/03/04 have been acknowledged and entered.

The rejection under 35 U.S.C 112, second paragraph, stated in paper No. 4 has been withdrawn in view of applicant's amendment and remarks.

Applicant's election without traverse of claims 1-30 in Paper No. 020304 is acknowledged.

Claims 1, 9, 18, 21, and 31-40 have been cancelled.

Claims 2-8, 10-17, 19-20, 22-30 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the elements of cleaning a part.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 19, 2-8, 11-12, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Deibert.

This rejection stated in paper No. 4 is maintained.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 2-8, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Vetter.

This rejection stated in paper No. 4 is maintained.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 2-8, 11-17, and 20, 22-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Biancalana et al.

This rejection stated in paper No. 4 is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter or Deibert or Biancalana et al. in combination with Gaydoul et al. (6,029,681) new reference.

Vetter or Deibert or Biancalana et al. as discussed in paper No. 4 discloses all limitation with the exception of means for adjusting a distance between at least one nozzle and at least a portion of the part disposed within said cleaning chamber as claimed.

Gaydoul et al. disclose the means for adjusting the distance as claimed. See the abstract.

It would have been obvious for one skilled in the art to use the distance adjusting means taught by Gaydoul et al. in the Vetter or Deibert or Biancalana et al. apparatus to improve the efficiency of the cleaning apparatus.

The rejection under 35 U.S.C. 103(a) stated in paper No. 4 has been withdrawn in view of applicant's amendment and remarks.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 2-8, 10-17, 19-20, and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument with respect to claim 10, and 30 is persuasive, therefore claims 10 and 30 have been rejected over new cited art (Gaydoul et al). Re claim 17, applicant's argument is unpersuasive because the limitation of a measurement probe

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used in association with a coordinate measurement machine and including a probe tip, as claimed, is not part or component of the cleaning apparatus, and it is for intended use recitation. Re claims 19, 24, 26, applicant's argument is unpersuasive, because the term "the cleaning solution comprising a mixture of compressed air and an alcohol" is not component for the cleaning apparatus, and also because the cleaning solution could be any mixture of fluids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

ZEE  
May 7, 2004

*Zeinab El-Arini*

**ZEINAB EL-ARINI  
PRIMARY EXAMINER**